

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

265

THE CRITTER COMPANY, INC.,)	
)	
Plaintiff,)	CASE NO. 1996-CV-00615
)	
-vs-)	JUDGE HAAS
)	
CANTON DROP FORGE, INC.,)	
)	
Defendant.)	

AFFIDAVIT OF KEITH HOUSEKNECHT

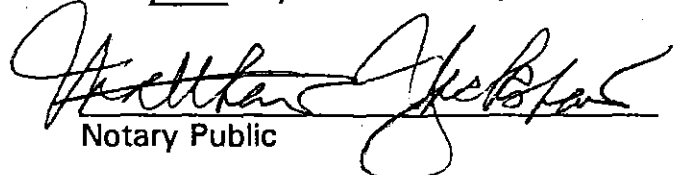
Keith Houseknecht, after being duly cautioned, deposes and says as follows:

1. I am Manager, Plant Engineering for Canton Drop Forge, Inc. ("CDF") and have personal knowledge of the following statements.
2. The Critter Company, Inc. ("Critter") failed to meet the first target level percentage reduction required under the terms of its contract with CDF, Contract No. 95-2.
3. As a result, Critter is not entitled to anything under the contract.
4. In 1996, I had the biocell cleaned of nearly all debris and turned twice by Beaver Excavating Company for a total price of less than Three Thousand Dollars (\$3,000.00).
5. CDF remains ready, willing, and able to perform its obligations under the contract which basically consists of the payment of money at specified times and in specified amounts.

Further Affiant saith naught.


Keith Houseknecht

SWORN TO and subscribed before me this 16th day of December, 1996.


Notary Public

MATTHEW YACKSHAW, Attorney at Law
Notary Public, State of Ohio
His Commission has no exp. date
under Section 147.03 R.C.
Recorded in Stark County

C:\YACKSHAW\CNTNDRP\HSKNCHT.AFF(MY:llm)

26) RECEIVED

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

DEC 23 1995

CANTON DROP FORGE

THE CRITTER COMPANY, INC.,)	
)	
Plaintiff,)	CASE NO. 1996-CV-00615
)	
-vs-)	JUDGE HAAS
)	
CANTON DROP FORGE, INC.,)	
)	
Defendant.)	

**DEFENDANT'S RESPONSES TO PLAINTIFF'S
AMENDED REQUEST FOR PRODUCTION OF DOCUMENTS**

In accordance with Rule 34 of the Ohio Rules of Civil Procedure, Defendant Canton Drop Forge, Inc. ("Defendant") hereby responds to Plaintiff's Amended Request for Production of Documents:

1. Any and all records pertaining to the construction of Lagoon No. 1 or 2.

ANSWER: None.

2. Any and all records pertaining to the liquid and/or solid matter deposited in Lagoon No. 1 or 2.

ANSWER: Objection to the form of the request because it assumes that solid matter was deposited in Lagoon No. 1 and/or 2 when none was. As to liquid matter, see attached Material Safety Data Sheets for information on products recently used in manufacturing operations that may have ended up in some liquid form in either lagoon.

3. Any and all records pertaining to Federal, State, or Local Health Department and/or Environmental Protection Agency citations issued for Lagoon No. 1 or 2.

ANSWER: None.

4. Any and all minutes of the Canton Drop Forge, Inc. Board of Directors regarding Lagoon No. 1 or No. 2 since 1990.

ANSWER: See attached excerpt from board meeting held May 6, 1996.

5. Any and all records from Hammontree and Associates, Ltd. regarding the study and testing of Lagoon No. 1 and 2.

ANSWER: A copy of the following documents is attached:

- (1) Canton Drop Forge Information for Bidders Proposal, Contract & Specifications for Removal and Bioremediation of the Sludge Liming Lagoons #1 and #1 (first page only because Plaintiff already has a complete copy of this lengthy document)
- (2) Lagoon #1 Sludge Disposal/Treatment Options (first page only because Plaintiff already has a complete copy of this lengthy document except for pricing information)
- (3) Lagoon #2 Sludge Disposal/Treatment Options (first page only because Plaintiff already has a complete copy of this lengthy document except for pricing information)
- (4) Hammontree Record of telephone call dated September 12, 1995.
- (5) Scott Klingensmith letter to Gene Hill dated June 2, 1995
- (6) Gene Hill letter to Jerry Coon dated October 2, 1995, along with all referenced enclosures
- (7) Larry Phillips' handwritten notes dated February 11, 1993
- (8) Larry Phillips' Executive Summary to Bill Cordier dated January 20, 1993
- (9) Gene Hill letter to Keith Houseknecht dated March 28, 1996
- (10) Lagoon No. 1 figures (two pages)
- (11) Gene Hill fax to Keith Houseknecht dated August 2, 1996

- (12) Hammontree Plan and Profile for storm sewer route (two pages) (undated)
- (13) Summit Environmental Technologies, Inc. reports dated July 24, 1995, August 2, 1995, October 5, 1995, May 10, 1996 and September 18, 1996
- (14) Map of biocell area
- (15) Gene Hill letter to Keith Houseknecht dated February 7, 1995
- (16) Daniel Grinstead letter to Keith Houseknecht dated July 28, 1995
- (17) Gene Hill letter to Keith Houseknecht dated October 4, 1994
- (18) Lawrence Phillips' letter to Keith Houseknecht dated February 22, 1995.

Defendant objects to producing the following documents which are privileged from disclosure by the attorney-client privilege and/or attorney work product privilege:

- (1) Lawrence D. Phillips letter to Fred H. Zollinger, Jr., Esq. dated June 15, 1992
- (2) Lawrence D. Phillips letter to Fred H. Zollinger, Jr., Esq. dated June 29, 1992

6. Any and all records authored by Canton Drop Forge, Inc. employee(s) regarding Lagoon No. 1 and 2.

ANSWER: A copy of the following documents is attached:

- (1) Handwritten notes pertaining to Pond #1 and #2 (undated)
- (2) Audit Action Plan dated March 31, 1993 describing phases
- (3) Audit Action Plan dated March 31, 1993 setting forth time lines
- (4) Summary of Audit Action Plan dated March 22, 1993
- (5) Lagoon Water Flow sheets (three pages) (undated)

- (6) Handwritten notes comparing soil/groundwater assessment proposals received from Hammontree and Earth Sciences (undated)
- (7) Summary of Audit Action Plan dated March 24, 1994
- (8) Summary of audit Action Plan Alternate dated March 24, 1993
- (9) Progress Report Nos. 3-7
- (10) Progress Report on Audit Action Plan Project III (undated)
- (11) Progress Report dated September 27, 1993
- (12) Audit Action Plan September 30 , 1994 Progress Report
- (13) Summary of Report - CDF Audit Action Plan at March 31, 1995
- (14) Handwritten notes beginning with entry dated October 8, 1993
- (15) Audit Action Plan September 30, 1995 Progress Report
- (16) Audit Action Plan March 31, 1995 Progress Report
- (17) Audit Action Plan March 30, 1994 Progress Report
- (18) Miscellaneous Status Reports (undated)
- (19) Excerpt from letter report (undated)
- (20) Keith Houseknecht memo to Jerry Bressanelli dated September 12, 1995
- (21) Keith Houseknecht letter to Jerry Coon dated February 22, 1996
- (22) Keith Houseknecht handwritten note to file dated February 6, 1996 with pictures
- (23) Keith Houseknecht's Bio Alternatives notes dated July 30, 1996
- (24) Undated flow chart prepared by Keith Houseknecht

Defendants objects to producing the following documents which are privileged from disclosure by the attorney-client privilege and/or attorney work product privilege:

- (1) Keith Houseknecht letter to Attorney Fred H. Zollinger, Jr. dated November 17, 1995
- (2) Handwritten notes of meeting attended by counsel held June 13, 1996
- (3) Keith Houseknecht memo to Jerry Bressanelli dated May 17, 1995, reporting on a meeting attended by counsel.
- (4) Keith Houseknecht memo to Fred H. Zollinger, Jr., Esq. dated July 18, 1996

7. Any and all test data records and reports prepared regarding the chemicals composition of Lagoon No. 1 and 2 since 1990.

ANSWER: A copy of the following documents is attached:

- (1) Relevant excerpts from R & R Intl., Inc. Preliminary Soil and Groundwater Assessment dated March 24, 1993
- (2) Relevant excerpts from FBA Environmental Oil/Water Separation Design Report dated October 1994
- (3) Cleveland Technical Center test results dated May 11, 1990, August 23, 1990, January 14, 1991 and September 16, 1991
- (4) Aqua Tech Environmental Laboratories, Inc. test results dated October 18, 1993 and January 7, 1994

8. Any and all Technical Data provided to The Critter Co. pursuant to Contract 95-2.

ANSWER: See test results produced in response (2), (3) and (13) of Request No. 5.

A handwritten signature in black ink, appearing to read 'Matthew Yackshaw', is written over the printed name.

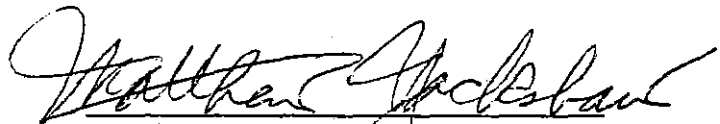
Matthew Yackshaw
Ohio Attorney Reg. No. 0019252
DAY, KETTERER, RALEY, WRIGHT
& RYBOLT, LTD.

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Canton, OH 44702
Telephone: (330) 455-0173
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Attorney for Defendant
Canton Drop Forge, Inc.

PROOF OF SERVICE

The original of the foregoing Responses to Plaintiff's Amended Request for Production of Documents to Defendant Canton Drop Forge, Inc. was mailed by regular U.S. mail to Christopher J. Gagin, Attorney for Plaintiff, King, Hargrave, Scurti & Jack, P.O. Box 249, Steubenville, OH 43952, on this 20th day of December, 1996.


Matthew Yackshaw

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